UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/AC.26/2000/14
15 June 2000

Original: ENGLISH

UNITED NATIONS
COMPENSATION COMMISSION
GOVERNING COUNCIL

TENTH REPORT OF THE EXECUTIVE SECRETARY PURSUANT TO ARTICLE 41 OF THE PROVISIONAL RULES FOR CLAIMS PROCEDURE

GE.00-61929

1. The present report identifies, pursuant to article 41 of the Provisional Rules For Claims Procedure (S/AC.26/1992/10) (the "Rules"), corrections to approved claim awards in categories "A" and "C".

I. CORRECTIONS TO CATEGORY "A" CLAIM AWARDS

2. Recommendations for corrections to category "A" claims include duplicate claims and decision 21 reductions reported by Governments.

A. Category "A" duplicate claims

3. Since the last article 41 report (S/AC.26/2000/10), a total of 361 claims have been found to be duplicates of other claims also awarded compensation in category "A". Out of this total, 360 claims were identified by three Governments and one claim was detected by the secretariat during the application of the cross-category checking programme.

4. The majority of the duplicate claims were located by the Government of Sri Lanka. Sri Lanka identified 560 potential duplicate claims in the fifth instalment and two potential duplicate claims in the fourth instalment. To date, the secretariat has confirmed that 346 of those claims are actual duplicates. The remaining claims identified by Sri Lanka are in the process of being verified and, if found to be duplicates, will be reported in the next article 41 report.

5. With respect to the other duplicate claims, 13 claims were reported by the Government of India and one claim, for the Federal Republic of Yugoslavia, was reported by both the Government of the Federal Republic of Yugoslavia and the Government of Bosnia and Herzegovina. As noted above, a duplicate claim for India was also detected while running the cross-category checking programme, bringing the total duplicate claims reported for India to 14. No compensation should have been awarded for the duplicate claims and the total recommended awards should be revised accordingly. Table 1, infra, identifies the Governments concerned, the instalments to be adjusted, the total number of claims to be corrected and the total amount by which the instalment will be reduced.

Table 1. Category "A" duplicate claims included in the tenth article 41 report

Country	Instalment	Total number of duplicate claims	Amount of reduction (USD)
India	Second	2	5,000.00
	Fourth	2	8,000.00
	Fifth	9	36,500.00
	Sixth	1	2,500.00
Sri Lanka	Fourth	2	8,000.00
	Fifth	344	1,374,500.00
Yugoslavia, Federal Republic of	Sixth	1	4,000.00
Total		361	1,438,500.00

6. The adjusted claim awards have been included in the corrected total recommended awards in annex I, infra.

B. Decision 21 corrections

7. Decision 21 (S/AC.26/Dec.21 (1994)) of the Governing Council states that "any claimant who has selected a higher amount under category 'A' (USD 4,000 or USD 8,000) and has also filed a category 'B', 'C' or 'D' claim will be deemed to have selected the corresponding lower amount under category 'A'". Three claimants from India who filed for higher amounts in category "A" have been found to have also filed claims in category "C". In accordance with decision 21, one claim in the second instalment, one claim in the third instalment and one claim in the fourth instalment have had their claim amounts adjusted downward.

8. The adjusted claim awards for the second to sixth instalments, and the total revised recommended awards for category "A" claims, are located in tables 1-6 of annex I.

II. CORRECTIONS TO CATEGORY "C" CLAIM AWARDS

9. Corrections to category "C" claim awards include corrections relating to the erroneous deduction of category "A" claim amounts made from category "C" recommendations for departure and relocation costs ("C1-Money" losses), duplicate category "C" claims identified by Governments and international organizations, and corrections relating to computational, clerical, typographical or other errors contained in the electronic category "C" claims.

A. Corrections relating to the erroneous deduction of category "A" claim amounts from C1-Money losses

10. After concluding the processing of the seventh instalment, it was ascertained that throughout each electronic processing cycle, category "C" claims had been matched against all claims in category "A", including rejected claims. As a result, some C1-Money awards were erroneously reduced on the basis that the category "C" claimants had also received awards in category "A".

11. For 126 category "C" claims with C1-Money awards, it has been determined that the corresponding category "A" claims were not awarded compensation and therefore no deduction should have been made from the C1-Money claims. As a result, 126 claims have had the deducted amounts reinstated and it is recommended that the corresponding awards be increased by a total of USD 246,177.40 as indicated in table 2.

Table 2. Corrections relating to the erroneous deduction of category "A" claim amounts from C1-Money losses

Country or international organization	Instalment	Total number of claims affected	Amount of net effect (USD)
Australia	Seventh	1	1,391.70
Bangladesh	Fourth	1	692.04
India	Fourth	2	2,208.76
	Fifth	3	4,092.52
	Sixth	2	2,757.06
	Seventh	5	6,440.95
Jordan	Fourth	15	31,421.84
	Fifth	20	42,322.92
	Sixth	31	62,767.37
	Seventh	21	59,503.83
Tunisia	Sixth	11	11,118.03
	Seventh	12	15,978.86
United Kingdom	Fourth	1	481.52

Country or international organization	Instalment	Total number of claims affected	Amount of net effect (USD)
UNHCR Bulgaria	Seventh	1	5,000.00

B. Category "C" duplicate claims

12. In response to reports from Governments, the secretariat reviewed 69 cases of potential duplicate category "C" claims. In the large majority of situations reviewed, the claims were found not to have been submitted by the same claimants for the same losses. However, it was confirmed that eight claims were in fact duplicates. In another claim, it is recommended that a personal property loss, not identified in the valid claim, be transferred from the rejected duplicate to the valid claim.

13. The awards for the eight confirmed duplicate claims were corrected to zero and the claims have been identified in the database as rejected duplicates. Because of the correction to the valid claim, a total of nine claims were affected by these actions, as reflected in table 3 below, for a net decrease of USD 87,497.54.

Table 3. Category "C" duplicate claims included in the tenth article 41 report

Country or international organization	Instalment	Number of claims affected	Amount of net effect (USD)
Canada	Fourth	1	(13,173.01)
	Seventh	1	(44,142.30)
France	Second	1	20,673.48
	Seventh	1	(27,350.32)
India	Second	1	(7,993.08)
	Fourth	1	(5,205.49)
	Fifth	1	(3,315.04)
	Seventh	1	(4,199.59)
Philippines	Sixth	1	(2,792.19)

C. Miscellaneous article 41 corrections to category "C" awards

14. For this report, more than 1,000 category "C" claims presenting specific computational, clerical, typographical or other errors were identified during reviews for discrepancies between the paper and electronic claims in accordance with the Panel's decisions and recommendations relating to loss criteria and valuation, as described in

the seventh instalment report (S/AC.26/1999/11) and as requested by submitting Governments. The majority of these corrections relate to "C6-Salary" losses for which claims have been corrected in accordance with the Panel's decisions and recommendations in paragraphs 250 to 275 of the seventh instalment report. Other corrections relate to C5-bank accounts in Iraq, as discussed at paragraphs 227 to 237 of the same report. As a result, it is recommended that corrections be implemented in 332 claims for a net increase of USD 3,009,339.04 in awarded amounts as reflected in table 4 below.

Table 4. Miscellaneous corrections to category "C" awards

Country or international organization	Instalment	Number of claims affected	Amount of net effect (USD
Australia	Sixth	1	4,734.00
Austria	Sixth	1	16,230.20
Bangladesh	Second	3	9,165.03
	Sixth	23	155,380.24
	Seventh	3	6,897.95
Canada	Sixth	1	18,181.80
Czech Republic	Fifth	4	44,306.50
	Sixth	1	10,394.37
Finland	Sixth	1	6,346.62
France	Fourth	1	17,639.49
	Sixth	1	12,285.42
	Seventh	1	(5,000.00)
India	Second	3	5,103.50
	Fourth	3	33,698.32
	Fifth	2	(684.85)
	Sixth	18	123,437.25
	Seventh	22	80,083.39
Iran, Islamic Republic of	Sixth	1	1,211.05
	Seventh	1	9,809.73
Ireland	Sixth	1	9,448.67
Israel	Sixth	7	16,506.97
	Seventh	8	49,432.93
Japan	Sixth	1	22,104.67

Country or international organization	Instalment	Number of claims affected	Amount of net effect (USD
Jordan	Second	11	118,399.87
	Fourth	4	52,426.62
	Fifth	17	232,722.39
	Sixth	49	741,311.51
	Seventh	32	422,811.30
Kuwait	Fifth	2	15,700.00
	Seventh	1	7,489.26
Lebanon	Second	1	4,844.30
	Fifth	3	30,621.77
	Sixth	2	41,656.65
	Seventh	5	56,016.89
Netherlands	Sixth	1	28,590.94
	Seventh	1	11,318.46
New Zealand	Second	1	9,371.09
	Seventh	1	7,685.83
Pakistan	Seventh	1	14,702.42
Philippines	Sixth	45	111,726.30
	Seventh	6	10,559.75
Poland	Seventh	8	19,623.86
Republic of Korea	Fifth	1	5,234.48
	Seventh	1	15,000.00
Slovenia	Sixth	4	33,290.00
Sweden	Sixth	1	3,474.03
	Seventh	1	7,588.89
Turkey	Fourth	1	6,061.78
	Sixth	4	19,877.97
United Kingdom	Second	1	52,177.22
	Fourth	2	22,693.27
	Sixth	10	139,442.50
United States	Sixth	3	64,750.00
Yemen	Seventh	3	42,179.93
UNDP Kuwait	Sixth	1	13,276.51

Annex I

CORRECTED CATEGORY "A" CLAIM AWARDS

1. Based on the corrections reported in paragraphs 4-6, supra, the category "A" claims aggregate corrected amounts per country, by claim instalment, are as follows:

Table 1. Second instalment category "A" claims corrections

Country or international organization	Previous total recommended award (USD)	Corrected total recommended award (USD)
India	50,855,500.00	50,847,500.00

Table 2. Third instalment category "A" claims corrections

Country or international organization	Previous total recommended award (USD)	Corrected total recommended award (USD)
India	16,732,500.00	16,729,500.00

Table 3. Fourth instalment category "A" claims corrections

Country or international organization	Previous total recommended award (USD)	Corrected total recommended award (USD)
India	146,300,000.00	146,290,500.00
Sri Lanka	69,796,500.00	69,788,500.00

Table 4. Fifth instalment category "A" claims corrections

Country or international organization	Previous total recommended award (USD)	Corrected total recommended award (USD)
India	147,616,500.00	147,580,000.00
Sri Lanka	71,533,000.00	70,158,500.00

Table 5. Sixth instalment category "A" claims corrections

Country or international organization	Previous total recommended award (USD)	Corrected total recommended award (USD)
India	17,327,500.00	17,325,000.00
Yugoslavia, Federal Republic of	880,000.00	876,000.00

2. Based on the above corrections, the revised category "A" claim total recommended awards by instalment are as follows:

Table 6. Revised total recommended awards for category "A" claims

Instalment	Previous total recommended award (USD) a/	Corrected total recommended award (USD)
First	189,606,000.00	no change
Second	641,252,500.00	641,244,500.00
Third	531,502,000.00	531,499,000.00
Fourth	732,674,500.00	732,657,000.00
Fifth	784,542,000.00	783,131,000.00
Sixth	316,261,000.00	316,254,500.00
Special	2,554,500.00	no change

a/ The previous total recommended award amounts in this column include the initial awards approved by the Governing Council in its decisions 22, 28, 29, 31, 33, 38 and 67 (S/AC.26/Dec.22 (1994), S/AC.26/Dec.28 (1995), S/AC.26/Dec.29 (1995), S/AC.26/Dec.31 (1995), S/AC.26/Dec.33 (1995), S/AC.26/Dec.38 (1996) and S/AC.26/Dec.67 (1999)) and subsequent corrections approved by the Governing Council in its decisions 42, 44, 51, 54, 57, 71, 79, 85 and 95 (S/AC.26/Dec.42 (1997), S/AC.26/Dec.44 (1997), S/AC.26/Dec.51 (1998), S/AC.26/Dec.54 (1998), S/AC.26/Dec.57 (1998), S/AC.26/Dec.71 (1999), (S/AC.26/Dec.79 (1999), (S/AC.26/Dec.85 (1999) and (S/AC.26/Dec.95 (2000)).

Annex II

CORRECTED CATEGORY "C" CLAIM AWARDS

1. Based on the corrections reported in paragraphs 9-13, supra, the category "C" claims aggregate corrected amounts per country, by claim instalment, are as follows:

Table 1. Second instalment category "C" claims corrections

Country or international organization	Previous total recommended amount (USD)	Corrected total recommended amount (USD)
Bangladesh	12,168,258.30	12,177,423.33
France	453,571.99	474,245.48
India	70,389,572.27	70,386,682.69
Jordan	38,902,796.72	39,021,196.59
Lebanon	26,548,582.90	26,553,427.20
New Zealand	74,026.28	83,397.38
United Kingdom	4,669,734.28	4,721,911.50

Table 2. Fourth instalment category "C" claims corrections

Country or international organization	Previous total recommended amount (USD)	Corrected total recommended amount (USD)
Bangladesh	786,885.44	787,577.48
Canada	1,243,162.58	1,229,989.57
France	493,887.55	511,527.04
India	45,946,993.90	45,977,695.49
Jordan	24,307,865.58	24,391,714.04
Turkey	1,270,834.40	1,276,896.18
United Kingdom	13,239,489.34	13,262,664.13

Table 3. Fifth instalment category "C" claims corrections

Country or international organization	Previous total recommended amount (USD)	Corrected total recommended amount (USD)
Czech Republic	146,524.31	190,830.81
India	67,715,447.22	67,715,539.85
Jordan	94,381,201.82	94,656,247.13
Kuwait	329,215,788.04	329,231,488.04
Lebanon	2,450,280.73	2,480,902.50
Republic of Korea	174,309.52	179,544.00

Table 4. Sixth instalment category "C" claims corrections

Country or international organization	Previous total recommended amount (USD)	Corrected total recommended amount (USD)
Australia	1,399,064.45	1,403,798.45
Austria	796,772.24	813,002.44
Bangladesh	21,459,510.08	21,614,890.32
Canada	9,386,296.50	9,404,478.30
Czech Republic	86,125.43	96,519.80
Finland	58,539.80	64,886.42
France	2,759,807.87	2,772,093.29
India	104,850,234.19	104,976,428.50
Iran, Islamic Republic of	12,658,608.86	12,659,819.11
Ireland	1,327,307.88	1,336,756.55
Israel	177,586.92	194,093.89
Japan	415,840.98	437,945.65
Jordan	180,891,651.27	181,695,730.15
Lebanon	11,898,155.19	11,939,811.84
Netherlands	967,778.95	996,369.89
Philippines	10,698,665.00	10,807,599.11
Slovenia	121,804.85	155,094.85
Sweden	1,219,711.70	1,223,185.73
Tunisia	3,347,597.72	3,358,715.75
Turkey	1,794,550.10	1,814,428.07

Country or international organization	Previous total recommended amount (USD)	Corrected total recommended amount (USD)
United Kingdom	22,200,749.80	22,340,192.30
United States	17,569,949.12	17,634,699.12
UNDP Kuwait	10,384,382.32	10,397,658.83

Table 5. Seventh instalment category "C" claims corrections

Country or international organization	Previous total recommended amount (USD)	Corrected total recommended amount (USD)
Australia	1,732,428.95	1,733,820.65
Bangladesh	37,746,419.68	37,753,317.63
Canada	11,973,474.82	11,929,332.52
France	6,589,534.21	6,557,183.89
India	186,928,200.34	187,010,525.09
Iran, Islamic Republic of	27,095,092.86 a/	27,104,902.59
Israel	4,943,872.86	4,993,305.79
Jordan	281,494,326.55	281,976,641.68
Kuwait	787,939,426.70	787,946,915.96
Lebanon	15,615,066.66	15,671,083.55
Netherlands	821,067.26	832,385.72
New Zealand	238,597.59	246,283.42
Pakistan	74,552,547.72	74,567,250.14
Philippines	10,349,808.76	10,360,368.51
Poland	731,511.47	751,135.33
Republic of Korea	2,365,481.86	2,380,481.86
Sweden	935,610.32	943,199.21
Tunisia	8,424,710.75	8,440,689.61
Yemen	79,199,517.09	79,241,697.02
UNHCR Bulgaria	285,424.54	290,424.54

a/ Due to a typographical error, the corrected total recommended award for the Islamic Republic of Iran was reported as 27,095,092.06 in the ninth article 41 report. That amount should have read 27,095,092.86 as identified herein.

Table 6. Revised total recommended awards for category "C" claims

Instalment	Previous total recommended award (USD) a/	Corrected total recommended award (USD)
First	51,086,478.00	no change
Second	431,463,342.93	431,675,084.34
Third	324,883,154.77	no change
Fourth	654,449,206.59	654,598,151.73
Fifth	735,072,726.97	735,443,727.66
Sixth	763,875,585.72	765,543,093.66
Seventh	1,931,655,410.19	1,932,424,233.91

a/ The previous total recommended award amounts in this column include the initial awards approved by the Governing Council in its decisions 25, 36, 37, 39, 41, 52 and 70 (S/AC.26/Dec.25 (1994),(S/AC.26/Dec.36 (1996), S/AC.26/Dec.37 (1996), S/AC.26/Dec.39 (1996), S/AC.26/Dec.41 (1997), S/AC.26/Dec.52 (1998) and S/AC.26/Dec.70 (1999)) and subsequent corrections approved by the Governing Council in its decisions 39, 41, 52, 85 and 95 (S/AC.26/Dec.39 (1996), S/AC.26/Dec.41 (1997), S/AC.26/Dec.52 (1998), S/AC.26/Dec.85 (1999) and S/AC.26/Dec.95 (2000)).